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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,427	06/23/2005	Long Fei Chang	1-36758	4198
43935 7590 07/24/2008 FRASER CLEMENS MARTIN & MILLER LLC 28366 KENSINGTON LANE PERRYSBURG, OH 43551				
EXAMINER				
GUILL, RUSSELL L				
ART UNIT		PAPER NUMBER		
2123				
NOTIFICATION DATE		DELIVERY MODE		
07/24/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/540,427

Applicant(s)

CHANG ET AL.

Examiner

Russ Guill

Art Unit

2123

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Paul L Rodriguez/
Supervisory Patent Examiner, Art Unit 2123

Continuation of 3. NOTE:

Amendments change the scope of the claims, and thus require further search and consideration. Please see the request for reconsideration below..

Continuation of 11. does NOT place the application in condition for allowance because:

The Examiner would like to thank the Applicant for the well prepared amendment, which was useful in the examination process.

The Examiner suggests amending the independent claims to more specifically recite the unique features of the Applicant's invention.

1. Regarding the objection to the specification:
 - a. Applicant's amendments appear to overcome the objection.
2. Regarding claim 10 rejected under 35 U.S.C. § 112, first paragraph:
 - a. Applicant's claim amendment may overcome the rejection; however, it appears to cause a new rejection under 35 U.S.C. § 112, second paragraph. Further search and consideration is required.
3. Regarding claim 11 rejected under 35 U.S.C. § 112, first paragraph:
 - a. Applicant's claim amendment tentatively appears to overcome the rejection; however, further search and consideration are required.
4. Regarding claims 1 and 17 rejected under 35 U.S.C. § 103:
 - a. Applicant's arguments are not persuasive, as discussed below.
 - b. Page 12, lines 3 – 5 and lines 22 – 24, recites that the specification defines the primary and secondary heating sources as "lamp wattage, lamp power settings, overall power, reflection coefficients, initial perform temperature, ceramic coating . . .". The Examiner respectfully disagrees, as follows. These recited items appear to be described in the specification as "heating parameters", rather than primary and secondary heating sources. The specification appears to recite secondary heating sources as "temperatures of a backplate and reflectors". The primary radiation sources appear to be lamps.
 - c. The Applicant discusses on page 13 that Turner does not disclose providing heating information about and calculation of temperatures of the primary and secondary heating sources. The Examiner respectfully disagrees, as discussed below. First, the claim appears to only require heating information, rather than heating information about primary and secondary heating sources. Further, heating information is provided by Reeves, rather than Turner. Further, while Turner recites that some secondary effects such as scattering, birefringence and polarization are neglected, the Applicant admits that Turner does treat the metallic reflectors, which are defined in the Applicant's specification as secondary heating sources (see above). Further, Turner's calculations include the quartz envelope, which is also secondary heating source; see for example page 11, right-side column, last paragraph, "Equation (28) applies to filaments and quartz envelopes alike . . .", where equation (28) provides an equation that calculates source temperatures. This element alone would have reasonably suggested to the ordinary artisan the limitation of, "calculating temperatures of primary and secondary heating sources". Thus, the rejection is maintained.
 - d. Proper motivation to combine the references is recited in the rejection.
5. Regarding claims 15 and 16 rejected under 35 U.S.C. § 103:
 - a. Claims 15 and 16 were argued similar to claims 1 and 17 above. The Examiner's response is therefore the same as above.
6. Regarding claim 22 rejected under 35 U.S.C. § 103:
 - a. Claim 22 was argued similar to claims 1 and 17 above. The Examiner's response is therefore the same as above.